UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH D. GILBERTI PE,

Plaintiff,

-against-

HOLY SEE, THE VATICAN CITY STATE, ET AL.,

Defendants.

24-CV-9107 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who currently is held at the Sarasota County Jail in Sarasota, Florida, brings this action, *pro se*, alleging that Defendants violated his rights. By order dated February 12, 2025, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.[1] For the reasons set forth below, the Court dismisses the complaint.

STANDARD OF REVIEW

The Prison Litigation Reform Act requires that federal courts screen complaints brought by prisoners who seek relief against a governmental entity or an officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The Court must dismiss a prisoner's IFP complaint, or any portion of the complaint, that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b); *see Abbas v. Dixon*, 480 F.3d 636, 639 (2d Cir. 2007). The Court must also dismiss a complaint if the Court lacks subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

[1] Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

While the law mandates dismissal on any of these grounds, the Court is obliged to construe *pro se* pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they *suggest*," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (internal quotation marks and citations omitted) (emphasis in original). But the "special solicitude" in *pro se* cases, *id*. at 475 (citation omitted), has its limits – to state a claim, *pro se* pleadings still must comply with Rule 8 of the Federal Rules of Civil Procedure, which requires a complaint to make a short and plain statement showing that the pleader is entitled to relief.

A claim is frivolous when it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 324-25 (1989), *abrogated on other grounds by Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007); *see also Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (holding that "finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible"); *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) ("[A]n action is 'frivolous' when either: (1) the factual contentions are clearly baseless . . . ; or (2) the claim is based on an indisputably meritless legal theory." (internal quotation marks and citation omitted)).

BACKGROUND

Plaintiff, who describes himself as a "Professional Engineer in the State of Florida" (ECF 1, at 1), brings this action against approximately 213 defendants, including former United States Presidents; members of the Rothschild family; members of the Trump family; Majorie Stoneman Douglas School; governors of various states; state and federal judges, including Justices of the United States Supreme Court; towns and cities in Florida; the United States Congress; the Central Intelligence Agency; Seminole Tribe Hard Rock Casino; the Florida Department of Law Enforcement; various colleges and universities; members of the Rockefeller family; the

Archdioceses of Philadelphia, Los Angeles, Baltimore, New York, and other cities; the Washington Post; the United Nations; and Canadian National Railway, among many others.

The gravamen of Plaintiff's 236-page complaint is that he has "found a hidden underground Natural resource in Medicine, Energy and Water Supply production and National Defense" and that "Defendants are working in a Racketeering Enterprise with Leaders, agencies and Land Developers to destroy water supply and Americans with higher rates of Cancers, Viruses and Diseases as well as destroying the Environment, Fish & Wildlife, Tourism, Jobs and Macroeconomic growth in Florida, America and abroad." (*Id.* at 10.)[2]

Examples of Plaintiff's allegations include the following:

> Prior to July 26, 2013, Cecil Daughtrey Jr. and Patricia A. Daughtrey (collectively "Daughtrey") were owners of the entire seven parcel property. However, on July 26, 2013, Daughtrey conveyed, via properly witnessed and executed Warranty Deed, a portion of the Property to PLAINTIFF. A true and correct copy of the Warranty Deed is attached as EXHIBIT "A". Since then a State and National attack by Florida Leaders and CIA with Bush Family has taken place on Plaintiff and Americans to hide PRIMARY WATER to TAPS of Florida for 10yrs now with a barrage of attacks to subdue the Engineer of Record and Deed Holder while attaching Daughtrey land as they didn't know exactly where the resource was on the forested ranch. **We had to hide it on Civil engineering plans during these Times Terrorism attacks, fueled by all Florida Sheriff and FBI under Title 18 Treason……..to protect our fellow Americans from these US Terrorist Politicians and Lawyers in Florida, such as Greenberg Taurig and Henderson Franklin and all Sarasota Lawyers (its a gang) tied to Rothschild World Bank and a gang of Retarded Judges who lie, cheat and steal to kill children with Cancer Rates at the tap by PLAYING STUPID ON EVIDENTIARY HEARING and NOT ALLOWING ANY EVIDENCE while they attack with Desantis and Yale fools for 10yrs.**

(*Id.* at 6.)

The "unique resource" that Plaintiff discovered

> was hidden 50yrs by NASA and EPA, to stall new energy production resources and new science to depopulate Humanity, increase costs, pollutions, and attack

[2] The Court quotes from the complaint verbatim. All spelling, punctuation, and grammar are as in the original unless otherwise noted.

> THE ENGINEER from exposing the knowledge and resource to THE PEOPLE of the United States of America[] and Florida; preventing his ability to Due process in courtrooms, taking his 1st, 2nd, 4th, 5th, 6th, 8th, and 14th Constitutional Amendments with multiple Judges in multiple jurisdictions working together to hide the US Resource for foreign corps like Israel Chemical LTD, Mosaic Phosphate and more; retroactive with the unique resource discovery. A full blown attack on the Engineer, his clients, his family, children, bank accounts, reputation and business has been taking place continuously from 2011 to the present time, with wake AR-15 emails created by the Tampa State Attorney office and ex-public defenders.

(*Id.* at 15.)

Plaintiff's allegations against specific individuals include,

> George W. Bush – ex President George W. Bush who was in Sarasota Classroom day of 9-11 is into Blue Gold. See Blue Gold Bush Family and has used the Carlton Family and 72 Partners members of Notre Dame, Lee Pallardy and C1 bank/Ozark Bank Thomas Howze to pay off Judges, Clerks and Commissioners from Tampa to South Florida and up into Washington, Georgia and abroad to claim these underground resources and cases are frivolous with any Court hearings or due process. They use Smith Mundt acts and MODIFICATION in 2012 to attack Americans with the CIA and Hollywood manufactured news with this Court and many Florida courts now starting to understand this CIA highly trained and illegal coup against The Engineers rights to attack his clients and lands with Sheriffs and Judges under investigation.

(*Id.* at 7.)

> Defendant SCOTT ISRAEL ("Israel") was at all pertinent times the Broward County Sheriff and the decision maker AND timed the Shooting with Plaintiff's Marjorie Stoneman Douglas SRF funding Submittal, with a massive group of media and Political figures hiding a critical US Resource while creating Fear and Vaccinations with LIES using the Smith-Mundt Act Modifications of 2012 and 2013, and compromised the future careers and safety of the young DRAMA kids or students at Marjory Stoneman Douglas High school.

(*Id.* at 8.)

The relief sought by Plaintiff includes the following:

> Evaluate Connection agreement for Water supply with Plaintiff and Peace River Manasota Water Supply, Lower West Coast Service Area and South Florida down to Naples along Seminole Gulf Railway (formally owned by CSX sold and times with Terrorism acts with Help of BLACKROCK AND VANGUARD with Bill Gates Canadian Railways, Amtrak and the Federal Railroad Association.

(*Id.* at 22.)

> Call in agents from at least 25 other states from Pentagon and FBI and experts 10yr timeline of Terrorism by Florida FBI and arrest all who knew for Conspiring against Plaintiff and Americans with Terrorism acts involving all Florida Politicians and Sheriffs.

(*Id.* at 22-23.)

> Arrest George, Jeb and Marvin Bush with US Military and order a Water Pump report and health scan to let America Realize all US Congress, DeSantis, Florida, New York to California his this Florida resource and Global knowledge to maintain Wars in Middle East and World Hunger for years. Arrest all Tampa to Miami Judges who knew sheriffs for Title 18 USC 241-242.

(*Id.* at 24.)

DISCUSSION

Even when the Court construes Plaintiff's pleadings with the "special solicitude" due to *pro se* pleadings, *Triestman*, 470 F.3d at 475, the Court finds that the allegations do not plausibly allege a violation of Plaintiff's rights. The Court must not dismiss a complaint simply because the facts alleged appear to be "unlikely," *Denton*, 504 U.S. at 33, but a finding of factual frivolousness is warranted when the facts alleged are "clearly baseless," "fanciful," "fantastic," "delusional" or wholly incredible, "whether or not there are judicially noticeable facts available to contradict them." *Id.* at 32-33; *see Livingston*, 141 F.3d at 437. "Plaintiff's beliefs − however strongly he may hold them − are not facts." *Morren v. New York Univ.*, No. 20-CV-10802 (JPO) (OTW), 2022 WL 1666918, at *18 (S.D.N.Y. Apr. 29, 2022) (citation omitted), *report and recommendation adopted*, 2022 WL 1665013 (S.D.N.Y. May 25, 2022).

The Court finds that, because Plaintiff does not provide any plausible factual support for his claims of a widespread conspiracy to attack him and his family, cover up his discovery of "[s]ecret [u]nderground [o]ceans" (ECF 1, at 25), and terrorize and sicken the public, his claims rise to the level of the irrational and must be dismissed as frivolous. *See Kraft v. City of New*

York, 823 F. App'x 62, 64 (2d Cir. 2020) (summary order) (holding that "the district court did not err in *sua sponte* dismissing the complaint as frivolous," based on the plaintiff's allegations that he had "been the subject of 24-hour, multi-jurisdictional surveillance by federal 'fusion centers' and the New York State Intelligence Center, which put a 'digital marker' on him in order to collect his personal data and harass him").

District courts generally grant a *pro se* plaintiff an opportunity to amend a complaint to cure its defects but leave to amend is not required where it would be futile. *See Hill v. Curcione*, 657 F.3d 116, 123-24 (2d Cir. 2011); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Because the defects in Plaintiff's amended complaint cannot be cured with amendment, the Court declines to grant Plaintiff leave to amend and dismisses the action as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

CONCLUSION

The Court dismisses this action as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court denies Plaintiff's motion to stay various cases in the Florida state courts as moot. (ECF 10). The Clerk of Court is directed to terminate all pending motions.

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: May 27, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge